

## Message Text

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ORIGIN EA-14

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DRAFTED BY EA/RA:RASENSER/D/LABOR:JPMETCALF:MJH

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APPROVED BY EA/RA - MR. CHAPMAN

EA/J:MR. PIEZ

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

UNCLAS STATE 173394

E.O. 11652 N/A

TAGS: ELAB, OVIP, JA

SUBJECT: SECRETARY'S VISIT TO JAPAN: AREAS OF INTEREST  
OF THE SOLICITOR OF LABOR

ATTN: LABOR ATTACHE

1. IN DISCUSSIONS WITH MOL OFFICIALS, THE SOLICITOR AND  
MS. CLAUSS WOULD LIKE TO COVER THE FOLLOWING SUBJECT AREAS:

A. GENERAL STRUCTURE OF JAPANESE LEGAL SYSTEM

1. CODE VS. COMMON LAW
2. USE OF ADMINISTRATIVE PROCEEDINGS OR SPECIAL  
LABOR COURTS
3. WHAT IS THE STRUCTURE OF THEIR JUDICIAL SYSTEM?

B. THE ROLE OF THE LABOR MINISTRY AS AN ADMINISTRATIVE  
AND/OR ENFORCEMENT BODY

1. HOW ARE REGULATORY LAWS - E.G., MINIMUM WAGE,  
SAFETY LEGISLATION - ENFORCED? A SYSTEM OF FINES?  
SPECIFIC ENFORCEMENT? USE OF COURTS AND/OR ADMINIS-  
TRATIVE PROCEEDINGS?

2. DOES THE MINISTRY HAVE ITS OWN LEGAL ARM FOR THIS
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PURPOSE? IF NOT, IS THERE A DEPARTMENT OF JUSTICE OR SOME

COMPARABLE INSTITUTION FOR THIS PURPOSE? ARE INVESTIGATIONS CONDUCTED BY THE MINISTRY OF LABOR OR BY A SEPARATE ENFORCEMENT ARM? ARE THERE PRIVATE RIGHTS OF ACTION?

C. COMPARABILITY OF LABOR LAWS BETWEEN THE UNITED STATES AND JAPAN

1. DO THE JAPANESE HAVE A "UNION DEMOCRACY" STATUTE COMPARABLE TO OUR LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT (LANDRUM-GRIFFIN)?

2. DO THE JAPANESE USE THE PROCUREMENT PROCESS TO FURTHER SOCIAL PURPOSES, E.G., AS WE DO UNDER THE DAVIS-BACON, WALSH-HEALY OR SERVICE CONTRACT ACTS?

3. WHAT FORM DOES THEIR UNEMPLOYMENT INSURANCE AND WORKMEN'S COMPENSATION LAWS TAKE?

4. DO THEY HAVE CHILD LABOR PROTECTIVE LAWS? GARNISHMENT PROTECTIVE PROVISIONS?

2. REQUEST THAT MR. MICHAEL ARMACOST OF THE EMBASSY STAFF BE NOTIFIED THAT MR. KILBERG WILL BE IN THE SECRETARY'S PARTY. ROGERS

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